



**MINUTES
CITY COUNCIL MEETING
MARCH 22, 2005**

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:32 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR ADDLEMAN.

PLEDGE OF ALLEGIANCE

MAYOR ADDLEMAN led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

City Council Members Present: Addleman, Mitchell, Zerunyan, Zuckerman*

*MAYOR PRO TEM ZUCKERMAN arrived at 7:40 p.m.

City Council Member Absent: Seamans

City Staff Present: City Manager Doug Prichard

Assistant City Attorney Stephen Pfahler

Assistant City Manager Sam Wise

Planning Director David Wahba

Community Services Director Andy Clark

Senior Planner Niki Cutler

Others Present: Erik Zandvliet, Traffic Engineer

Deborah Davis, Park and Activities Commission

CEREMONIAL ITEMS

NONE

ROUTINE MATTERS

A. SPECIAL CITY COUNCIL MINUTES OF FEBRUARY 28, 2005

COUNCILWOMAN MITCHELL moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE THE SPECIAL CITY COUNCIL MINUTES OF FEBRUARY 28, 2005 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

B. CITY COUNCIL MINUTES OF MARCH 8, 2005

MAYOR ADDLEMAN requested the following correction on Page 4, Paragraph 3:

“Brief discussion ensued regarding whether this service should be included in the Waste Management franchise. It was noted that there was a significant cost difference, but if the COUNCIL so desires desired to go with Waste Management, this item may could be considered at a later date if an alternative is necessary.”

COUNCILWOMAN MITCHELL moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE THE CITY COUNCIL MINUTES OF MARCH 8, 2005 AS AMENDED.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

C. ADJOURNED CITY COUNCIL TEAMBUILDING SESSION MINUTES OF MARCH 14, 2005

COUNCILWOMAN MITCHELL moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE THE ADJOURNED CITY COUNCIL TEAMBUILDING SESSION MINUTES OF MARCH 14, 2005 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

D. DEMANDS AND WARRANTS – MARCH

COUNCILWOMAN MITCHELL moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE WARRANTS 37132 THROUGH 37182 FOR A GRAND TOTAL AMOUNT OF \$191,410.24 WITH PROPER AUDIT.

AYES: Addleman, Mitchell, Zerunyan

ABSENT: Seamans, Zuckerman

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

CONSENT CALENDAR

COUNCILWOMAN MITCHELL moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE ITEMS A-C.

A. READING OF ORDINANCES AND RESOLUTIONS

Reading in full of all ordinances and resolutions presented for consideration to the City Council will be waived and all such ordinances and resolutions will be read by title only.

B. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED MARCH 4, 2005

RECEIVED AND FILED.

C. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED MARCH 11, 2005

RECEIVED AND FILED.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

AUDIENCE ITEMS NOT ON THE AGENDA/WRITTEN AND ORAL COMMUNICATIONS

A. MEASURE P

City Manager Prichard noted that this item was postponed to the next meeting at the speaker's request.

PUBLIC HEARINGS/MEETINGS

NONE SCHEDULED

NEW BUSINESS

A. PLANNING COMMISSION MINUTES OF MARCH 14, 2005

COUNCILMAN ZERUNYAN moved, seconded by COUNCILWOMAN MITCHELL

TO RECEIVE AND FILE THE PLANNING COMMISSION MINUTES OF MARCH 14, 2005.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

COUNCILWOMAN MITCHELL inquired if discussion was necessary by the COUNCIL regarding the second story setback issue. Planning Director Wahba noted that this could be handled through the Planning Department and Commission as a part of the current application.

B. PARK AND ACTIVITIES COMMISSION MINUTES OF MARCH 15, 2005

COUNCILMAN ZERUNYAN moved, seconded by COUNCILWOMAN MITCHELL

TO RECEIVE AND FILE THE PARK AND ACTIVITIES COMMISSION MINUTES OF MARCH 15, 2005.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

It was noted that the dedication ceremony for the Peter M. Weber Equestrian Center will take place in the near future since it is uncertain as to when the stables will be relocated. When and if this occurs, it was the consensus of the COUNCIL to hold a rededication ceremony at that time.

OLD BUSINESS

A. PROPOSALS FROM LSA ASSOCIATES, INC., TO PREPARE A PROGRAM ENVIRONMENTAL IMPACT REPORT (EIR) AND RRM DESIGN GROUP TO PREPARE AN URBAN DESIGN PLAN FOR THE PENINSULA VILLAGE AREA

Recommendation: That the City Council adopt contracts with LSA Associates, Inc., in the amount of \$208,500 to prepare a Program Environmental Impact Report and with RRM Design Group in the amount of \$90,300 to prepare an Urban Design Plan for the Peninsula Village area.

Senior Planner Cutler provided a staff report (as per agenda material).

COUNCILWOMAN MITCHELL inquired as to why a traffic study would be necessary on a Saturday.

Erik Zandvliet, Traffic Engineer, noted that there is one peak period on Saturday for retail as it generates the most traffic on that day.

COUNCILMAN ZERUNYAN referred to the fees charged to developers at 75¢ per square foot. Planning Director Wahba stated that the previous resolution had 25¢ per square foot for over 22 units to the acre. He noted that he considered different numbers that would apply to upcoming projects and determined that 75¢ would be appropriate for any project in the mixed-use area regardless of density to fund the Program EIR and streetscape design. Furthermore, resolutions of approval have and will continue to

have requirements for the developer to pay hard and soft costs for public improvements adjacent to their newly approved projects.

COUNCILMAN ZERUNYAN inquired as to which projects the Program EIR cost recovery charge would be applied. Senior Planner Cutler noted that this would include the former carwash site, the Ted Wynne project, the Craig Knickerbocker medical building, and the former Arco station.

COUNCILMAN ZERUNYAN went on to note his concerns with developers who may decide to wait for the results of the Program EIR, and if that EIR concludes that no more units could be built in the commercial zone, the City would be left "holding the bag." He questioned how the City would be protected in the unlikely event this should happen and if the fees could be retroactively applied to the developer.

Assistant City Attorney Pfahler noted that there is no legal authority to retroactively recover those costs, but he will investigate this further.

COUNCILMAN ZERUNYAN made it clear that he is not advocating that the City make money, but rather look at this as a fairness issue in providing a balance between the City and developer.

MAYOR PRO TEM ZUCKERMAN noted that there is the issue of a streetscape plan that will benefit pending projects. He commented on his experience that those fees could be made a requirement prior to pulling the building permit so that at least part of it could be recovered as the developer is benefiting from the work as well.

Planning Director Wahba noted that the aforementioned comments were correct and that two projects have already been required to do this with the applicants' concurrence.

MAYOR ADDLEMAN inquired as to how many applications have been deemed complete. Senior Planner Cutler noted that the current projects under considerations have yet to have completed applications.

In response to COUNCILMAN ZERUNYAN'S concerns, COUNCILWOMAN MITCHELL noted that she is more optimistic and believed that the upcoming projects could recoup the City's costs. She noted that she was confident all concerns expressed by the COUNCIL will be addressed in the EIR.

Deborah Pracilio, LSA, noted that their fees are estimated based on a proposed scope of service, with limits not to be exceeded without prior authorization.

In response to COUNCILMAN ZERUNYAN, City Manager Prichard noted that once the Notice of Preparation is prepared, the scoping process may uncover additional items to be studied.

MAYOR PRO TEM ZUCKERMAN noted his concern with items coming up as this process moves along and that costs need to be discussed.

City Manager Prichard noted that oftentimes the amount of work depends on the volume and type of comments received on the NOP or Draft EIR.

MAYOR PRO TEM ZUCKERMAN inquired if one item is under budget, could that amount be applied elsewhere. City Manager Prichard indicated that this could be done.

In response to COUNCILMAN ZERUNYAN, City Manager Prichard suggested two ways to deal with the need to expand the scope of service: 1) Authorize staff within bounds to make those decisions; or 2) Direct staff that any such request come back to the COUNCIL for their authorization.

COUNCILMAN ZERUNYAN noted he was uncomfortable with LSA proceeding without a guaranteed not to exceed maximum price.

City Manager Prichard noted that in the environmental process, there is public and agency input on what issues will be raised as well as planning analysis, technical analysis, etc. He then noted that LSA would have to address those issues through the review process as well as anticipate contingencies up front.

MAYOR PRO TEM ZUCKERMAN suggested having a fixed price not to exceed amount available for comparison by the COUNCIL with a decision coming at that time.

COUNCILWOMAN MITCHELL noted that a fixed price contract creates risk for both parties and stated that she was comfortable with the contract as is since the City will pay for services received.

MAYOR PRO TEM ZUCKERMAN noted that his suggestion would give the City an idea of what it will actually be expending.

MAYOR ADDLEMAN reiterated that prior authorization would be required by the COUNCIL to move forward.

City Manager Prichard stressed that this is a typical City contract. He noted that the consultants, as well as staff, will identify what the project will be and recognize that no additional work will be done without prior approval. He noted his concern if an item is at the not to exceed level, the work may be conducted in a way that may not be as satisfactory as the COUNCIL would like.

In regards to the risk, City Manager Prichard urged the COUNCIL to think about where the risk or uncertainty in this contract should lie given the City's need and desire for the relevant information.

COUNCILMAN ZERUNYAN noted his concurrence with MAYOR PRO TEM ZUCKERMAN in making sure the City is doing the right thing with respect to this contract.

COUNCILWOMAN MITCHELL reiterated her satisfaction with LSA as this type of service has been undertaken in the past and that it is important to begin a professional relationship with trust. She noted that an element of fairness in the individual who is performing the work is appropriate as well as stating that an EIR by its very nature is somewhat fluid, and if a fixed price becomes problematic, the consultant may have to come back and add another item. It was her desire to see this contract approved, and if additional work is necessary by the staff or consultant, the cost could be renegotiated at that time.

MAYOR PRO TEM ZUCKERMAN believed that more information is needed so that the COUNCIL is comfortable with the decision it makes.

COUNCILWOMAN MITCHELL noted that the fixed number would probably be higher.

At this time, MAYOR PRO TEM ZUCKERMAN informed the COUNCIL that he has a professional relationship with LSA through his business dealings and may choose to abstain from voting on this contract if so advised by the City Attorney.

Assistant City Attorney Pfahler noted that he will investigate further on whether or not MAYOR PRO TEM ZUCKERMAN should vote.

City Manager Prichard noted that, if it is the COUNCIL'S desire to move quickly, the contract could be approved pending language amended to the satisfaction of the City Attorney. Meanwhile, preliminary work could be undertaken in the interim with the final version of the contract brought back at the next meeting.

Jami Williams, RRM Design Group, responded to MAYOR PRO TEM ZUCKERMAN noting that, if there is any desire for more public outreach in relationship to the streetscape design, this would be the only additional fee on their contract.

MAYOR PRO TEM ZUCKERMAN commented that LSA has performed work for the School District and was very satisfied with the outcome. He noted his own firm has done business with LSA as well, and they were found to be very reliable and did excellent work.

COUNCILWOMAN MITCHELL noted that the scope has several optional items and questioned if they were necessary, i.e. computer simulation, Congestion Management Program analysis.

City Manager Prichard indicated that these items are not included in the initial amount. He noted that the additional CMP information would depend on the traffic analysis.

Dennis Pascua, DKS, responded to the need for computer simulation for traffic at a specific intersection as this program looks at the number of vehicles as well as simulates pedestrian movement. He noted that the cost is determined on a level of detail basis.

MAYOR PRO TEM ZUCKERMAN inquired if a unit cost could be based on location depending on what DKS decides to analyze as it will have a specific trip generation. He suggested providing this as an option.

COUNCILWOMAN MITCHELL moved, seconded by COUNCILMAN ZERUNYAN

TO DIRECT LSA ASSOCIATES AND RRM DESIGN GROUP TO PROVIDE A "NOT TO EXCEED COST" FOR COMPARISON TO THE "ESTIMATED COST" AND CONTINUE THIS ITEM TO THE NEXT MEETING.

AYES: Addleman, Mitchell, Zerunyan

ABSTAIN: Zuckerman

ABSENT: Seamans

B. RESOLUTION NO. 2069 AMENDING THE COMPREHENSIVE SCHEDULE OF MUNICIPAL FEES AND CHARGES FOR THE FISCAL YEAR 2004-05

Recommendation: That the City Council adopt Resolution No. 2069 amending the Comprehensive Schedule of Municipal Fees for the Fiscal Year 2004-05 to remove Environmental Impact Report (EIR) In-Lieu Fast Track Fee and establish the Peninsula Village Program EIR and Urban Design Plan fees as described.

1. RESOLUTION NO. 2069 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES AMENDING THE COMPREHENSIVE SCHEDULE OF MUNICIPAL FEES AND CHARGES FOR THE FISCAL YEAR 2004-05.

COUNCILWOMAN MITCHELL moved, seconded by COUNCILMAN ZERUNYAN

TO ADOPT RESOLUTION NO. 2069.

City Manager Prichard read Resolution No. 2069 by title only.

AYES: Addleman, Mitchell, Zerunyan, Zuckerman

ABSENT: Seamans

C. AD HOC COMMITTEES

Recommendation: That the City Council approve the changes to the ad hoc committees as listed.

City Manager Prichard provided a staff report (as per agenda material).

City Manager Prichard mentioned that COUNCILWOMAN SEAMANS would like to retain the Chandler Reuse Committee as there still may be issues dealing with the neighborhood and that staff is in agreement. He recommended this committee be terminated once the application is submitted with land use issues being considered by the Planning Commission and CITY COUNCIL.

COUNCILWOMAN MITCHELL moved, seconded by MAYOR PRO TEM ZUCKERMAN

TO APPROVE THE CHANGES TO THE AD HOC COMMITTEES AS LISTED, EXCEPT FOR RETENTION OF THE CHANDLER REUSE AD HOC COMMITTEE.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

CITY ATTORNEY ITEMS

NONE

CITY COUNCIL/REGIONAL COMMITTEE REPORTS: This item provides the opportunity for Members of the City Council to provide information and reports to other Members of the City Council and/or the public on any issues or activities of currently active Council Committees, ad hoc committees, regional or state-wide governmental associations, special districts and/or joint powers authorities and their various committees on which Members of the City Council might serve or have an interest, which are not otherwise agendized.

A. COUNCILMAN ZERUNYAN referred to a letter from California Water Company regarding notification of NDMA detection in the water system. City Manager Prichard noted that research will be undertaken and that a report will come back for COUNCIL discussion.

MAYOR AND COUNCIL ITEMS: This item provides the opportunity for Members of the City Council to request information on currently pending projects and/or issues of public concern, direct that an item be agendized for future consideration and/or make announcements of interest to the public.

A. MAYOR ADDLEMAN reminded everyone that the refuse hauler will change as of April 6. He noted that every household should have filled out a card stating their choice for trash containers. If this has not been done, he referred residents to contact Administrative Analyst Grammer at City Hall for assistance.

B. MAYOR ADDLEMAN noted that he received correspondence from Los Angeles County announcing the changeover of the ambulance service to Westmed McCormick.

C. MAYOR ADDLEMAN reported that he, along with COUNCILWOMAN MITCHELL, attended the Livable Communities Conference. COUNCILWOMAN MITCHELL noted that the principles relating to water use conservation were adopted which provides a guideline for future development.

D. COUNCILMAN ZERUNYAN referred residents to the City's website at www.keepingRHEclean.com for further assistance regarding Waste Management.

E. COUNCILMAN ZERUNYAN thanked the following organizations for their generous contributions to the Pepper Tree Foundation: American Youth Soccer, Palos Verdes Peninsula Horsemen's Association, Peninsula Girls' Softball League. He noted another one is expected from Rolling Hills Little League as well.

CLOSED SESSION

NONE

ADJOURNMENT

At 8:53 p.m., MAYOR ADDLEMAN formally adjourned the City Council meeting to April 12, 2005 at 7:30 p.m. in the City Hall Council Chambers.

Submitted by, Approved by,

Hope J. Nolan Douglas R. Prichard
Deputy City Clerk City Clerk



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